

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRIMINAL CASE NO. 3:94cr126-04

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                 vs. )                                  ORDER  
                                  )  
                                  )  
RICHARD DALTON CRAWFORD.)  
                                  )

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**THIS MATTER** is before the Court on the Notice of Ineligibility  
regarding Crack Cocaine Offense [Doc. 406], filed January 27, 2009.

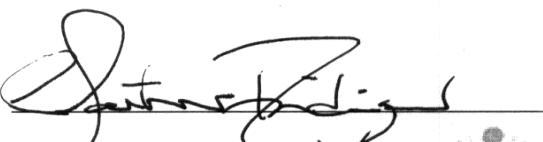
It appears that this Defendant may have been identified as a person  
who may be eligible for some relief pursuant to Amendment 706 to the  
Sentencing Guidelines. Even though no motion was filed either pro se or  
by counsel, the matter was referred to Defendant's counsel for review,  
culminating in the filing of the Notice of Ineligibility. Counsel for the  
Defendant advises that the Defendant completed his original sentence of  
imprisonment but was sentenced to a new term of imprisonment in  
December 2007 for violating the terms of his supervised release. The  
record of the case reveals this is accurate. [Doc. 221; Doc. 274; Doc. 326;

Doc. 337]. However, counsel also advises that in December 2008, the Defendant was released from prison in connection with the sentence for a supervised release violation. As a result, counsel has not filed a motion.

Counsel is correct that only those persons currently serving a sentence which was determined by a sentencing range calculated with the impacted drug quantity table are potentially eligible for consideration. See, United States v. Dawson, 2008 WL 2874129 (E.D.Ark. 2008). Thus, an individual who has been sentenced for a supervised release violation may not receive the benefit of the amendment. United States v. Rivera, 2008 WL 2915060 (M.D.Fla. 2008).

**IT IS, THEREFORE, ORDERED** that for the reasons stated herein, the Defendant is not eligible for any relief pursuant to the Crack Cocaine Amendment to the United States Sentencing Guidelines, Amendment 706.

Signed: February 2, 2009



Martin Reidinger  
United States District Judge

